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Chairman: Mr. Al Bayati ..... (Iraq)
later: Mr. Ballestero (Vice-Chairman) ..... (Costa Rica)

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The meeting was called to order at 3.15 p.m.

Agenda item 67: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/61/L.44)

Draft resolution A/C.3/61/L.44: Hostage-taking

1. **The Chairman** said that the draft resolution contained no programme budget implications.

2. **Mr. Gustafik** (Secretary of the Committee) said that Kazakhstan and Ukraine had been original sponsors of the draft resolution, along with Sudan.

3. **Mr. Nikiforov** (Russian Federation), introducing the draft resolution on behalf of the original sponsors, China and Bangladesh, said that 98 per cent of the text had been drawn from the General Assembly and Commission on Human Rights resolutions. He hoped that the draft resolution would be adopted without a vote.

4. **The Chairman** said that Honduras had joined the sponsors.

5. *Draft resolution A/C.3/61/L.44 was adopted.*

6. **Mr. Ceinos-Cox** (United States of America) said, in reference to paragraph 1, that in times of armed conflict, international humanitarian law was the appropriate body of law governing the conduct of those involved in the conflict. Hostage-taking was a crime under international humanitarian law and in that regard, was a major breach of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

7. **Mr. Jokinen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania and Serbia; and, in addition Norway and Ukraine, said that not all of the concerns raised by the European Union on specific elements of the text had been accommodated in the final text of the resolution. The European Union had been able to join the consensus on the resolution but wished to draw attention to its understanding of the sixth preambular paragraph. The European Union considered that hostage-taking might constitute a war crime within the jurisdiction of the International Criminal Court pursuant to the Rome Statute.

Agenda item 68: Report of the Human Rights Council (A/61/53 and A/61/530)

8. **Mr. de Alba** (President of the Human Rights Council) said that at its first session, the Council had adopted the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. The two instruments, which were now before the General Assembly, represented the fruit of many years of hard work and extensive negotiations.

9. The Convention was an important legal instrument which dealt with all aspects of the problem of enforced disappearances. It provided, inter alia, for the creation of a Committee on Enforced Disappearances to monitor compliance, as well as innovative procedures for emergency action in searching for disappeared persons. It required each State party to take the necessary measures to prevent and punish under its criminal law the wrongful removal of children subjected to enforced disappearance and reaffirmed the principle that children should be returned to their families of origin.

10. The Declaration on the Rights of Indigenous Peoples represented a response to the just demands voiced for many decades by the indigenous peoples of the world. It offered Member States an opportunity to follow through on the commitment made by the Heads of State and Government at the World Summit held in September 2005 to present for adoption a final draft United Nations declaration on the rights of indigenous peoples as soon as possible.

11. He hoped that the two instruments would be adopted by the General Assembly without a vote.

12. **The Chairman** informed the Committee that the General Assembly had decided that agenda item 68, entitled "Report of the Human Rights Council", would be considered in plenary meeting and in the Third Committee, on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council to the General Assembly, including those that dealt with the development of international humanitarian law in the field of human rights. Taking into account that recommendation, the General Assembly and the

plenary meeting would consider the annual report of the Human Rights Council on its activities for the year.

13. **Mr. Saeed** (Sudan) said that because of the vast change in the international balance of power, the United Nations, as it was currently structured, would not be capable of dealing with the realities of today's world unless it was reformed.

14. The establishment of the Human Rights Council was the fruit of long and difficult consultations that had taken into account the legacy of the former Commission on Human Rights, and had boldly and transparently reviewed the strengths and weaknesses of the former Commission. It was obvious that the former Commission had been unable to discharge its responsibilities because some international powers had turned it into a forum for settling bilateral scores and for the realization of their political agendas.

15. Such practices had caused the former Commission to lose credibility and succumb to politicization, selectivity and double standards. Nowhere had that been more clear than in the so-called "country reports", which the former Commission brandished as weapons in the face of developing States while it ignored the human rights situation in the major Powers.

16. The establishment of the Human Rights Council heralded a new area for human rights, an era that would be based on the principles of dialogue, cooperation, objectivity and impartiality; an era in which no State, no matter how influential, would have immunity or receive preferential treatment. The practices of the former Commission, which had devoted all its efforts to protecting and strengthening civil and political rights, should be corrected and equal importance ought to be given to economic, social and cultural rights.

17. The Sudan had followed with great interest the deliberations of the first session of the Council, which had concentrated on setting out the general characteristics of the Council and had reviewed its mandate and various mechanisms. Those mechanisms were to be based on interactive dialogue in which the countries concerned would participate fully and which would take into account their concerns. The Sudan believed that the Council should exercise care in the establishment of those mechanisms; otherwise the international community would repeat the same mistakes that it had made with the former Commission. It was vital to give the working groups an opportunity to accomplish their tasks and present their findings without interference or pressure.

18. During its first session, some States had resorted to the old and ugly practice of exploiting the newly formed Council forum in order to further their narrow political agendas, and that was something that should be resisted strongly. In conclusion, he called on all Member States to choose dialogue and cooperation over confrontation and the targeting of specific States when dealing with human rights issues.

19. **Ms. Lintonen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Moldova and Norway, said that based on the decision taken by the plenary Assembly on the allocation of item 68, entitled "Report of the Human Rights Council", the European Union understood that the Third Committee was to consider and act on the recommendations of the Human Rights Council to the General Assembly. In the opinion of the European Union, that decision and the decision by the Third Committee to invite the President of the Council to address the Committee were transitional arrangements which should not set precedents for the future.

20. The European Union attached great importance to the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples, which had been submitted to the Committee for consideration. Both the Convention, which defined the crime of enforced disappearance, organized the fight against perpetrators and described measures for preventing such crime, and the Declaration, which resulted from an inclusive process that involved representatives of indigenous peoples, represented a step forward in the promotion and protection of human rights. The European Union fully supported both instruments and called for their prompt adoption by the Committee and the General Assembly at its sixty-first session, as recommended by the Human Rights Council.

21. **Mr. Ritter** (Liechtenstein) said that the draft Declaration on the Rights of Indigenous Peoples and the draft International Convention for the Protection of

All Persons from Enforced Disappearance would have automatically come before the Third Committee, even if they had not been sponsored by any delegation.

22. As a long-standing supporter of innovative approaches to the rights of peoples to self-determination, Liechtenstein believed that the exercise of the right of self-determination could simply be equated with the right to independence. The right to self-determination could entail various forms of self-administration and self-governance, leading to forms of peaceful coexistence which fell short of secession and independent statehood. The introduction of the right to autonomy or self-government in matters relating to internal and local affairs in the draft Declaration on the Rights of Indigenous Peoples was a promising new approach which could help to create an enabling environment for the full promotion and protection of human rights, without leading to strife and violence.

23. The draft International Convention for the Protection of All Persons from Enforced Disappearance represented a major step forward in international human rights law. The drafters of the Convention had drawn on the provisions of the Rome Statute of the International Criminal Court, and the Convention established an innovative approach towards the mechanism for monitoring its implementation, including an evaluation by the Conference of the Parties and possible transfer of the monitoring functions to another body (draft International Convention, art. 27).

24. **Ms. Kohli** (Switzerland) said that her country had been a sponsor of the draft resolution on the United Nations Declaration on the Rights of Indigenous Peoples, which was a compromise text that had received the support of a large majority of States and all the indigenous peoples represented on the Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994. Switzerland had hoped that the text would be adopted by the Human Rights Council by consensus. Its adoption by the Third Committee and the General Assembly would send a clear message to the international community that the rights of indigenous peoples must be respected. The Declaration would thus become the main source of inspiration for policies, legislation and State practice in matters pertaining to indigenous peoples.

25. Switzerland had been actively involved in the negotiations on the text of the International Convention for the Protection of All Persons from Enforced Disappearance and hoped that the Third Committee and the plenary Assembly would adopt it without a vote. The Convention would provide a strong legal and political instrument for fighting against the phenomenon of enforced disappearances.

26. **Ms. Zhang** Dan (China) said that while recognizing the positive results achieved by the Human Rights Council during its first regular session and two special sessions, her delegation was disappointed at the results of the second session. According to the General Assembly resolution, during the first year of its work, the Council was supposed to focus on developing its working methods, particularly in connection with the modality of universal periodic review and the assessment of the various mechanisms under the former Commission on Human Rights. However, 47 draft resolutions irrelevant to those topics had been submitted which could not be considered within the scheduled time frame. Moreover, the dialogue on special procedures had been shrouded in an increasingly confrontational atmosphere, particularly when country-specific human rights issues had been raised.

27. Bearing in mind the clear instructions set forth in General Assembly resolution 60/251, her delegation would like to make the following suggestions for the future work of the Council. The spirit of the General Assembly resolution should be strictly adhered to by all parties. There should be an end to malicious attacks and the practice of submitting country-specific resolutions. At the present stage of its work, the Council should focus on the discussion of procedural matters, making every effort to create conditions that would be conducive to consensus. The Office of the High Commissioner for Human Rights should give priority to the right to development and the eradication of poverty, and the future agenda and resource allocation of the Council should also reflect those priorities. The relationship between the Human Rights Council and the Third Committee should be resolved. As the main committee of the General Assembly responsible for the consideration of human rights issues, the Third Committee was the appropriate forum to consider the annual report of the Human Rights Council. At the same time, the Third Committee should avoid duplication with the Human Rights Council.

28. **Mr. Chernenko** (Russian Federation) said that while the Human Rights Council was still trying to define its role, its work should nonetheless be clearly organized. The settling-in process should not interfere with the resolution of specific issues by the Council.

29. The universal periodic review of States' human rights records had been designed as a way of depoliticizing the work of the Council and eliminating double standards; however, the universal periodic review was a long way from being implemented and there was not even a common understanding of what its main principles would be. In order to establish parameters, a working group had been set up under the President of the Human Rights Council, but the group had yet to begin its work. That was also the case of another working group on the future of the special procedures. A set of guidelines on special human rights procedures had been prepared without the participation of Member States. It was lacking in balance and could not serve as a basis for depoliticizing activities. The proposal by the Group of African States to elaborate and adopt a code of behaviour for the special procedures and mechanisms of the Council should be supported.

30. A decision must be taken on the future of the Sub-Commission on the Promotion and Protection of Human Rights, which was a unique expert body.

31. **Mr. Maia** (Brazil), speaking on behalf of the States Members of the Common Market of the South (MERCOSUR), Argentina, Brazil, Paraguay, Uruguay and Venezuela, said that the MERCOSUR countries wished to ensure that their own sad experiences with the practice of enforced disappearance during the military dictatorships that had governed them would never be repeated. The International Convention for the Protection of All Persons from Enforced Disappearance was an essential tool for preventing and combating the scourge of enforced disappearances and constituted a substantive contribution to the progressive development of international human rights law. The MERCOSUR countries hoped it would be adopted by consensus.

32. The Declaration on the Rights of Indigenous Peoples recognized the contributions of indigenous peoples to the spiritual and material development of countries and would help combat discrimination against them. Although there were differences in the perceptions of the States members of MERCOSUR, given the internal legislation of the individual States or the manner in which the question of self-determination was expressed in the Declaration, they would support its adoption because they believed it would be of great significance for the promotion of human rights and justice.

33. **Ms. Gálvez Ruiz** (Mexico) said that the International Convention for the Protection of All Persons from Enforced Disappearance would contribute to the eradication of enforced disappearances. It was especially significant that the Convention defined enforced disappearance as a crime against humanity.

34. The adoption of the United Nations Declaration on the Rights of Indigenous Peoples after more than 20 years of negotiations must not be delayed. Her delegation realized that a number of States had expressed concerns on such key issues as self-determination; lands, territories and resources; the lack of a definition of indigenous peoples; and the relationship between the Declaration and other international instruments. In that connection, she wished to stress that the text included all necessary safeguards to preserve the integrity of States and ensure respect for the human rights of all persons. The Declaration included specific provisions bringing it in line with the Charter of the United Nations and international human rights law. It laid the foundation for positive cooperation between States and indigenous peoples and enabled all parties concerned to participate in the benefits of economic, social and cultural development and respect for human rights.

35. The Declaration did not threaten the integrity of States nor did it limit their use and control of resources. In that connection, Mexico had organized an international workshop to consider aspects of the Declaration which had provided an opportunity for discussion and analysis of the major issues it raised. Participants in the workshop had concluded, inter alia, that the purpose of the Declaration was simply to reaffirm the right of indigenous peoples to self-determination in a context of coexistence with States. The Declaration did not establish new rights, but rather recognized the need for indigenous peoples to enjoy the rights they already had under international law, including the rights that had traditionally been denied them.

36. The issue of ownership and use of lands and resources should be viewed in a national context, in a spirit of good faith and cooperation. The Declaration did not deny States the right to use their resources but rather stressed that indigenous peoples should also be able to share those riches and to benefit from them for their own development. The ambiguity arising from the absence of a definition of indigenous peoples must be resolved at the domestic level, taking into account the different social, cultural and historical circumstances of the States, regions and continents that were inhabited by indigenous peoples.

37. The text that had been adopted by the Human Rights Council had the support of a majority of the indigenous peoples and of States. Her delegation hoped the Declaration would be adopted without a vote; however, the desire to achieve consensus should not stand in the way of a decision being taken.

38. **Mr. Skinner-Klée** (Guatemala) said that Guatemala supported the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. His delegation had contributed to the efforts to reach a consensus text for the Declaration that took into account the interests and rights of indigenous peoples and the positions of States. The text was consistent with the general principles of human rights and international law. His delegation urged those States that had expressed reservations concerning the scope or the interpretation of certain terms to support the adoption of the Declaration by consensus.

39. **Mr. Taranda** (Belarus) said that measures within the Human Rights Council, such as the determination of the form that the universal periodic reviews would take and analysis of the mechanisms for the special procedures, would allow for the best parts of the legacy of the Commission on Human Rights to be preserved while avoiding the errors that had led to a crisis in the Commission.

40. The Council must prove itself in the handling of issues which had not been satisfactorily dealt with in the Commission, such as human rights violations in the United States and the European Union, torture and abuse of detainees at Guantanamo, arbitrary detainments and illegal extraordinary rendition of individuals suspected of committing terrorist acts. The Council must adhere to the principles of universality, objectivity and non-selectivity and must eliminate double standards and politicization in the consideration of human rights issues.

41. His delegation had submitted a resolution aimed at encouraging fair and mutually respectful dialogue on human rights the previous day, but as the Third Committee's deliberations had shown, issues of politicization and a selective approach to human rights persisted. Contrary to the will of the majority of delegations, country resolutions would soon be adopted. Such resolutions were a negative holdover from the Commission or Human Rights which ran counter to the main idea behind the creation of periodic reviews, namely, universal scope and equal treatment of all States. All Member States were urged to oppose the adoption of country resolutions, as they were counterproductive.

42. **Mr. Lehmann** (Denmark) said that the draft Declaration on the Rights of Indigenous Peoples represented a milestone in the development of their rights. It took a rights-based approach, but did not present those rights as legally binding or absolute, from which no exemption could be made. Indeed, the Declaration represented a compromise between the legitimate interests of indigenous peoples, other individuals and groups of States, balancing the various interests fairly.

43. The Declaration represented a standard of achievement to be pursued in a spirit of partnership and mutual respect. It upheld the basic principles and purposes of the Charter of the United Nations while preserving the interests of third parties as well as States. It was not phrased in the language of confrontation but of dialogue, and required nothing but partnership between States and indigenous peoples that reflected the process by which it had been elaborated over the past 20 years. He noted that Denmark had developed such a partnership with the indigenous peoples of Greenland. Adopting that landmark Declaration by consensus would be an historic step in advancing the rights and aspirations of the world's indigenous peoples.

44. **Ms. Otani** (Japan) said that standard-setting was an important part of the work of the United Nations and that key aspects of it had been inherited by the Human Rights Council from the Commission on Human Rights. The recommendation before the Committee was the first substantive outcome of the

work of the Council. Japan strongly supported the draft resolution on the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples. It was participating actively in the drafting of the Convention, with a view to producing a better text that would help victims of enforced disappearance and prevent the commission of such terrible crimes. She hoped that the Committee would adopt the draft resolution without a vote.

45. **Mr. Sinaga** (Indonesia) said that there had been some positive concrete developments relating to the participation of NGOs in the work of the Human Rights Council and the decision to carry over that practice in the Council's work methods. His Government had developed a strong partnership with civil society actors, including NGOs and national institutions, to ensure that they played a major role in the promotion and protection of human rights.

46. He urged the Council to observe the principle that the promotion and protection of human rights should be based on cooperation and genuine dialogue, and to strengthen Member States' capacity to fulfil their human rights obligations for the benefit of all human beings. His country also hoped that the work of the Council would create an environment conducive to the universality, objectivity and non-selectivity of human rights issues globally.

47. Given the confusion surrounding the status of the annual report which the Council was mandated to submit to the General Assembly based on its founding resolution, it would be advisable for the Council to use the next session to clarify its cycle of work. Important recommendations of the Council that required implementation or follow-up action by other United Nations bodies should be considered and approved by the plenary Assembly. As the expert body, the Third Committee must also play a key role in that process.

48. **Mr. Normandin** (Canada) said that, given the importance of the mandate of the Human Rights Council and the provisions of resolution 60/251, paragraph 5 (j), Canada firmly believed that the Council's annual report should be considered by the plenary Assembly. If the Council was to avoid the pitfalls of the Commission on Human Rights, it must adopt a new culture and new working methods, including in its relationship with the General Assembly and United Nations human rights bodies.

49. Canada had long been committed to combating enforced disappearance. It had helped to establish the Working Group on Enforced or Involuntary Disappearances and participated actively in the negotiations leading up to the new International Convention for the Protection of All Persons from Enforced Disappearance. It was therefore pleased to support the adoption of the Convention. Canada had also worked for the development of a declaration that would promote and protect the fundamental freedoms of every indigenous person without discrimination and recognize the collective rights of indigenous peoples around the world. One of the main goals of such a declaration would have been to promote and develop harmonious relations between States and indigenous peoples. However, that goal had not been achieved with the text of the draft United Nations Declaration on the Rights of Indigenous Peoples, which failed to set out clear expectations for the States in which indigenous peoples lived.

50. In addition to those substantive concerns, Canada questioned the process by which the draft Declaration had been finalized. Key provisions of the text had been made by the Chairperson-Rapporteur without discussion between States and indigenous representatives and Canada's requests for additional time to address those matters had been futile. His delegation therefore felt compelled to oppose the adoption of the text, but remained committed to working both domestically and internationally on indigenous issues, including with various forums of the United Nations and other bodies.

51. **Archbishop Migliore** (Observer for the Holy See) expressed regret that the United Nations Declaration on the Rights of Indigenous Peoples had not achieved a consensus in the Human Rights Council. For such a declaration to have its intended impact, broader support from States, especially those with significant indigenous populations, would be crucial. The Holy See recognized that attitudes towards indigenous peoples were changing and that governments and indigenous peoples alike had been promoting good will, openness to dialogue and genuine understanding. Yet, much remained to be done to safeguard and honour the basic human rights of indigenous peoples. His delegation hoped that, rather than become a source of political division and discord, the Declaration would be a tool for the protection of the dignity of indigenous peoples and the promotion of

their economic and social advancement and would be adopted by consensus in the General Assembly.

52. **Mr. Gala** (Cuba) said that Cuba believed that its membership in the new Human Rights Council was an important position from which to work towards genuine international cooperation in human rights. The Council's membership being limited, his delegation considered it appropriate for the Third Committee to consider the Council's reports and take action on its recommendations. However, from the first report of the new Council (A/61/53) it was clear that it would be difficult to avoid the problems which had discredited the defunct Commission on Human Rights. It was questionable whether the Council truly represented a new beginning.

53. The Human Rights Council had spent much of its first session establishing the modalities and processes for its future work. His delegation attached great importance to the working groups established by decisions 1/103 and 1/104. The working group to develop the modalities of the universal periodic review mechanism and the working group to review the mandates, mechanisms, functions and responsibilities of the former Commission on Human Rights should work in parallel and conclude their work simultaneously.

54. A serious effort should be made to create a true system for the promotion and protection of human rights for all, not just the rich and privileged. Cuba could be counted on to fight for truth and transparency and to defend the right to independence, self-determination, social justice and equality. It could not be counted on to defend lies and hypocrisy, nor to cooperate with the mandates of any envoy, representative or rapporteur imposed by force or blackmail. If some chose to use the Council's suspension clause against rebellious countries and resolutions continued to be used in a selective and politicized manner, turning the Council into a tribunal to sanction the peoples of the South, Cuba would denounce those abuses and steadfastly oppose those who lacked principles and reason.

55. *Mr. Ballestero (Costa Rica), Vice-Chairman, took the Chair.*

56. **Mr. Outlule** (Botswana) expressed regret that the United Nations Declaration on the Rights of Indigenous Peoples had been adopted by a vote and not by a broader consensus, which would have reflected the unity of the international community on the promotion of justice, and on the equality and dignity of all peoples. The Declaration adopted a one-size-fits-all approach which did not take into account the legitimate concerns of some countries or the historical circumstances in all continents. In Africa, for example, almost all citizens were indigenous to their country and the African continent. The Declaration seemed to suggest that sections of the population had the right to claim to be the sole indigenous peoples of specific regions of a sovereign nation. Botswana hoped that the sponsors would welcome efforts aimed at improving the text.

57. A fundamental weakness of the text was the absence of a definition of indigenous peoples. The Declaration not only left the door open for any group or community to identify itself as indigenous, but also gave blanket recognition to the right of regional, ethnic or tribal groups to full political and economic self-determination. That was unacceptable to Botswana, because on attainment of independence, its various tribal communities had agreed to form one sovereign state of a people with a common citizenship and united by a shared destiny.

58. There was nothing in the Declaration that could stop a tribal community within existing States from claiming that it had the right to self-determination. That right was enshrined in General Assembly resolution 1514 (XV), paragraph 2, which applied to all people living under colonialism or foreign domination because they had been denied that right by the colonial Powers. It was wrong, however, to lift that paragraph wholesale and apply it to the Declaration, which should be drafted in such a way that it could not be used to preach secession or separatism. There should be a clear balance between the rights of a group or tribe and those of a nation as a whole.

59. Botswana was raising those issues because it strongly believed that there should be logic, internal coherence and consistency in the declarations which the General Assembly adopted; however, the proposed Declaration lent itself to an interpretation that could be considered to contradict existing instruments. Following post-independence consultations in Botswana, all tribes had freely agreed to transfer all rights over minerals, fauna and flora to the State. The proposed Declaration would restore those rights to the tribes and reverse the will of the people of Botswana. In addition, in some places, it advocated unrestricted

use or exploitation of natural resources, a potential violation of international environmental treaties.

60. Similarly, the Declaration relied heavily on the 1989 Convention concerning Indigenous and Tribal Peoples in Independent Countries adopted by the International Labour Conference; but that Convention had been ratified by only 17 countries, none of which was in Africa. Borrowing substantially from the Convention was a disguised attempt to give it universal character and application. Lastly, article 3 of the Declaration seemed to imply that the International Covenant on Civil and Political Rights did not apply to indigenous peoples.

61. His delegation felt that Member States should be given more time to consider the many complex and contentious issues in the Declaration and to produce a document that would benefit humanity as a whole.

62. **Mr. Benmehidi** (Algeria) said that it was appropriate for the Third Committee to consider the report of the Human Rights Council because of its expertise in that area, which could only serve to support and strengthen the Council's actions. The decision to extend the mandate of the special procedures for a year would give Council members time to consider their reports and allow the Working Group established to review those procedures to consider steps to improve and rationalize them. The universal periodic review mechanism would be a very useful tool in improving human rights at the country level through constructive dialogue and cooperation.

63. The Council's decision to examine the situation of human rights in Palestine and incitement to racial and religious hatred and promotion of tolerance from its first session was an indication of the urgency of both issues. It had also given consideration to the International Convention for the Protection of All Persons from Enforced Disappearance.

64. With regard to the draft Declaration on the Rights of Indigenous Peoples, his delegation was of the view that the international community must meet the expectations of indigenous peoples and send the message that the legitimacy of their rights was recognized by all Member States. Therefore, a draft of such importance should not have been brought to a vote before the Council had established its working methods. He hoped that in-depth consideration by the General Assembly would lead to its adoption by consensus.

65. The General Assembly had given the Council the power to meet in special session in order to respond quickly to situations of massive and flagrant violations of human rights. Therefore, it had held special sessions in June and July 2006 on the situation in the occupied Palestinian territories and the situation in Lebanon. His delegation regretted that those questions had been politicized, which had prevented a unanimous and unequivocal condemnation of the flagrant violations observed, which could have provided a foundation for a new doctrine repudiating the double standard applied in the past.

66. Finally, his delegation reiterated the commitments it had made as a candidate for the Human Rights Council to spare no effort to prevent politicization of human rights issues. He called on all delegations to allow the Council a reasonable amount of time to develop its working methods before declaring it a failure.

67. **Ms. Halabi** (Syrian Arab Republic) said that her delegation had considered the report of the Human Rights Council with great interest, as it had actively participated in its establishment. It hailed the holding of the special sessions on the situation in the occupied Palestinian territories and the situation in Lebanon, and would ensure that funding was available to implement the relevant resolutions adopted.

68. **Ms. Blum** (Colombia) said that her delegation believed that the recommendations of the Human Rights Council, a subsidiary body of the General Assembly, should be examined in the Third Committee, which was universally representative and had the expertise required to take decisions that by their nature affected all countries. Her delegation also attached great importance to the principles of universality, impartiality, objectivity and non-selectivity in the work of the Council, on a basis of cooperation and constructive international dialogue.

69. The review of mandates, mechanisms and responsibilities should proceed at the same pace as the establishment of the universal periodic review mechanism, in order to guarantee coherence in the system and avoid the duplication of work that had occurred in the former Commission. To achieve more effective results, the Council should have a balanced and well-coordinated structure and avoid proliferation of mechanisms. The Third Committee must ensure, however, that the resolutions it adopted did not include

language implying the extension of mandates or expansion of their scope, which could hinder the progress being made in the review of mandates taking place in Geneva. Her delegation hoped to see the work in those two areas completed by June 2007.

70. The Council had recommended to the General Assembly the adoption of the draft International Convention on the Protection of All Persons from Enforced Disappearance, which it had adopted by consensus, and the draft Declaration on the Rights of Indigenous Peoples, which had been adopted by a vote. It was regrettable that, on a matter of such high priority and universal application, the Council had not made a greater effort to agree on a more precise text that could have achieved consensus.

71. **Ms. Pellandini** (International Committee of the Red Cross (ICRC)) said that enforced disappearance constituted a human rights violation, and in time of war was a violation of international humanitarian law. It was tantamount to deleting a person's very existence and denying basic protection of the law. The damage to the family members of a disappeared person was far-reaching and long-lasting, affecting not only individuals but the societies in which they lived.

72. The prohibition of enforced disappearance, like all rules of humanitarian law, allowed no exceptions. Just as no State, group or individual was above the law, no person could be placed outside the law; enforced disappearance tried to do just that.

73. The International Convention on the Protection of All Persons from Enforced Disappearance was the first international treaty explicitly to ban practices leading to enforced disappearance. It also enshrined the right of families to know the fate of their relatives, and required States to incorporate the crime of enforced disappearance into their own legislation.

74. For its part, ICRC was working tirelessly to prevent enforced disappearance. One of the strongest safeguards during armed conflicts consisted of repeated visits to detainees and restoration and maintenance of family ties. In 2005, it had visited more than 2,600 detention centres in 76 countries and enabled some 100,000 personal messages to be exchanged between detainees and their families. Registration of persons deprived of liberty helped to prevent disappearances and enabled ICRC to follow up on detainees individually and to search for them actively. It also collected numerous tracing requests from families looking for lost relatives.

75. Families' quests for answers and their efforts to keep alive the memory of the missing commanded admiration and respect. Their perseverance in repairing the injustice and preventing such acts from being repeated deserved support from the community of States and the public. ICRC therefore urged Member States to adopt the Convention at the current session.

The meeting rose at 5.40 p.m.